United Nations S/2004/884

Security Council

Distr.: General
2 November 2004

Original: English

Letter dated 2 November 2004 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

I write with reference to my letter of 25 August 2004 (S/2004/688). The Counter-Terrorism Committee has received the attached fourth report from Saudi Arabia, submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex). I should be grateful if you could arrange for the present letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Andrey I. **Denisov**
Chairman
Security Council Committee established pursuant to
resolution 1373 (2001) concerning counter-terrorism

04-60345 (E) 241104 081204

Annex

[Original: Arabic]

Letter dated 28 October 2004 from the Permanent Representative of Saudi Arabia to the United Nations addressed to the Chairman of the Counter-Terrorism Committee

I have the pleasure to transmit to you herewith the fourth report of the Kingdom of Saudi Arabia, which includes responses to the observations contained in your letter dated 18 August 2004.

(*Signed*) Fawzi Bin Abdul Majeed **Shobokshi**
Ambassador
Permanent Representative

Enclosure*

Fourth report of the Kingdom of Saudi Arabia based on the observations of the Security Council Committee established pursuant to resolution 1373 (2001) (Counter-Terrorism Committee) on the Kingdom's previous reports

Question 1.1

In its third report, at page 3, Saudi Arabia explains that when it accedes to international conventions on counter-terrorism, the provisions of those conventions are then enforced in accordance with Saudi Arabia's domestic laws. Furthermore, page 11 of the supplementary report explains that international instruments, to which Saudi Arabia has become a party, are then endorsed by a Royal Decree, and then "referred to the authorities concerned to be implemented by each in its own area of jurisdiction". In the same token as explained at page 6 of the third report, "international conventions ratified by the Kingdom become part of its domestic law, pursuant to which the competent authorities establish specific mechanisms for their implementation". Noting that Saudi Arabia is already a party to six out of the 12 universal instruments, the CTC would welcome receiving a detailed outline of the implementing provisions undertaken by the competent authorities, each in its own area of competence, as indicated at page 11 of the supplementary report. The CTC would also welcome receiving a detailed outline of the specific mechanisms for implementing those international instruments, as indicated at page 6 of the third report. Please outline in details the relevant provisions in domestic law that corresponds to the measures, in particular to the offences established in those international instruments to which Saudi Arabia is a party. With regard to the offences, the CTC would welcome receiving a detailed outline similar to the one provided for article 18 of the draft money-laundering law, at page 5 of the third report.

Response

Following the ratification of any convention by the Royal Authority, notice of that ratification is given via the official channels and circulars to the authorities concerned, with a view to its implementation. Those authorities take appropriate measures for the best possible implementation of the convention. The Kingdom's staunch position on terrorism, every form of which it rejects, is derived from the Shariah, the source of all its statutes and regulations, as emphasized in previous reports. Consequently, the Kingdom includes crimes of terrorism among the crimes of *hirabah*, for they are viewed as coming under the spreading evil on earth (*al-ifsad fi al-ard*) and are subject to the most extreme penalties, which may even include the death penalty. They do not relate to the injured individuals but to the community, with the consequence that injured individuals do not have the right to pardon the perpetrators. The related provisions are clear and explicit and serve as a basis for judges in their decisions concerning the perpetrators of terrorist offences. Further provisions that serve as a basis for courts are those found in the Border Security Statute and its implementing regulation, article 5, paragraph 4, of which provides as follows: "... to inspect persons found in the border zone outside the customs precinct

* Annexes are on file with the Secretariat and are available for consultation.

and question them as to the reasons for their being there and as to their identity and, if it is found that their presence there is illegal, turn them over to the competent authorities after applying the Border Security Statute." Paragraph 5 of the same article provides: "inspection of land and sea transport means which enter or pass through the border zone". The same is true of the tight restrictions provided in article 2 of the Kingdom's Arms and Ammunition Statute on the operation and manufacture of weapons, ammunition, equipment and spare parts as well as on their importation, sale, possession, circulation, acquisition and transport. Article 22 of the Statute provides deterrent penalties ranging up to 30 years and a fine of not less than 100,000 Saudi riyals. The provisions on which the Kingdom relies in tracing the financing of terrorism, terrorist acts and terrorist organizations include those contained in article 2 of the Money-laundering Statute, whose incorporated implementing regulation states that funds connected with the financing of terrorism include both legal and illegal funds. That text is in keeping with the eight recommendations on combating terrorism issued by the Financial Action Task Force on Money Laundering (FATF).

Further provisions that the Kingdom has been intent on including in its domestic legislation are those contained in the statute on Fund-raising for Charitable Purposes, which prohibits the collection of contributions from any person, group of persons or entity without a licence from the Ministry of Labour and Social Affairs, a declaration of purpose and a statement of the manner in which contributions are to be used. As a further confirmation of the Kingdom's determination to prevent the financing of terrorism by legal entities, article 4 of the Money-laundering Statute provides as follows: "financial and other institutions shall verify the official documents of entities set up as bodies corporate that indicate the name and address of the establishment and the names of its owners and of directors authorized to sign on its behalf". Furthermore, rules for the opening of accounts at commercial banks were issued on 14 May 2002, containing the provisions of the relevant international norms on bank accounts, such as the "know your customer" principle and the standards for regular contractual liabilities between customers and banks issued by the Basel Committee on Banking Supervision for the purpose of protecting the banking sector against economic and financial crimes, money-laundering operations and terrorist financing. In that connection we should like to point out that the Kingdom has acceded to and signed 10 of the 12 international conventions and that the remaining 2 are being studied by the competent authorities.

Question 1.2

The CTC notes that Saudi Arabia has indicated at page 9 of the third report that the "penalties" for crimes mentioned in the subparagraphs of the resolution are derived from the Islamic Shariah, this being the most important source of legislation in Saudi Arabia. The CTC is also aware that the Islamic Shariah criminalizes the acts of killing and causing terror inasmuch as they are considered as "spreading mischief in the land" (al-ifsad fi al-ard) as indicated at page 9 of the third report and at page 5 of the first report. In the same vein the CTC notes that the financing of terrorism "falls into the category of 'spreading evil on earth'", as indicated at page 4 of the supplementary report. However, the CTC also notes that Saudi Arabia has stated since the earliest stages of its submitted reports to the CTC that its approach to terrorism stems from basic principles that include the enactment of stronger and more

sophisticated statutes and regulations for the suppression of terrorism and terrorist offences (for example at page 3 of the first report). In this regard Saudi Arabia is indeed in the process of enacting special statutes and regulations to combat money-laundering, such as the draft money-laundering law referred to on several occasions at pages 4, 5 and 6 of the third report. The CTC would, however, also welcome receiving a detailed outline of Saudi Arabia's other plans and concrete measures, including steps for dealing with the crime of financing of terrorism, as well as the offences in international anti-terrorism instruments to which Saudi Arabia is a party in a similar manner as the statutory provisions of the Saudi Arabian draft money-laundering law.

For the purpose of criminalizing terrorist financing, the CTC would like to draw the attention of Saudi Arabia to subparagraph 1 (b) of the resolution, requiring States to have in place provisions "specifically" criminalizing the wilful provision or collection of funds, financial assets or economic resources by its nationals and/or entities in its territory, by any means, directly or indirectly, with the intention that they should be used in order to carry out terrorist acts. For an act to constitute an offence under this provision, it is not necessary that the funds, financial assets or economic resources actually be used to carry out a terrorist offence (see article 2, paragraph 3, of the International Convention for the Suppression of Terrorism). In such cases, acts are meant to be criminalized even if:

- **The only terrorist act takes place or is intended to take place outside the territory of Saudi Arabia;**
- **No related terrorist act occurs or is attempted;**
- **The funds are of legal origin.**

Response

Some of the most important measures adopted by the Kingdom to combat terrorist financing are as follows:

1. Spontaneous action on the part of the Kingdom, in 1994, to freeze the bank accounts of Osama bin Laden and persons connected with him;
2. The issuance by the Kingdom, on 26 September 2001, of an order to seize the accounts of individuals and organizations listed in the United States executive order dated 23 September 2001, i.e., before the list was officially issued by the Security Council;
3. The freezing of the balances and assets of the Taliban movement pursuant to Security Council resolution 1267 (1999);
4. The freezing of the balances of the persons whose names appear in the lists issued by the Security Council pursuant to Security Council resolution 1333 (2000);
5. The establishment, within the Ministry of the Interior, of the Financial Intelligence Unit (FIU), whose task is to deal with issues relating to money-laundering and terrorist financing;

6. The establishment of the Saudi National Authority for Relief and Charity Work Abroad as the sole agency concerned with fund-raising and charitable activities abroad;

7. Effective participation of the Kingdom in the meetings of the Group of Twenty (G20) and also the implementation of the eight recommendations issued by that Group in connection with terrorist financing;

8. Approval by the Kingdom of the implementation of the eight FATF recommendations concerning the financing of terrorism;

9. The establishment of a channel of communication and observation between the Saudi Arabian Monetary Agency (SAMA) and the Ministry of the Interior for the purpose of combating money-laundering activities.

With regard to the provision or collection of funds, financial assets or economic resources with the intention of using them to carry out terrorist acts, article 2 (d) of the Money-laundering Statute emphasizes that the financing of terrorism, terrorist acts or terrorist organizations is considered a crime of money-laundering to which severe penalties apply. Moreover, the implementing regulation for the Statute provides that the financing of terrorism involves both legal and illegal funds.

Question 1.3

The CTC would welcome receiving a copy of the anti-money-laundering guide circulated to the banks by the Saudi Arabian Monetary Agency, as indicated at page 4 of the third report.

Response

Enclosed herewith is a copy of the anti-money-laundering and anti-terrorist-financing rules issued by SAMA (attachment 1).

Question 1.4

The CTC would also welcome receiving a detailed outline of the provisions of the anti-money-laundering circulars issued by the Ministry of Commerce, as indicated at page 4 of the third report. In particular, the CTC is interested in those provisions that impose an obligation to report suspicious financial transactions on professions, other than banks and financial institutions. In addition, the CTC is interested in being provided with a detailed outline of which commercial and professional sectors are being addressed in the aforementioned circulars.

Response

Enclosed herewith is a copy of the anti-money-laundering guide and the circulars issued by the Ministry of Commerce and Industry to the commercial and professional sectors to combat money-laundering (attachment 2).

Question 1.5

The CTC would like to thank the Kingdom of Saudi Arabia for annexing its Self-Assessment questionnaire of FATF to the third report. In that regard, the

CTC would welcome receiving a detailed outline of the relevant provisions of the Saudi Arabian Monetary Agency (SAMA) Regulations and Guidelines for the Prevention and Control of Money Laundering Activities of 1995, which aim at addressing banks and foreign exchange bureaux, as referred to at page 6 of the annexed Self-Assessment questionnaire.

Response

The agency issued the anti-money-laundering guide referred to in the response to question 1.3 in 1995, in accordance with the FATF 40 recommendations. The guide was updated in May 2003 to include the prevention and control of terrorist financing, the application of the "know your customer" principle, the monitoring of suspicious transactions, the reporting of activities suspected by the security authorities and notification of SAMA concerning such reports.

Question 1.6

The CTC would also welcome receiving a detailed outline of the provisions of the Ministry of Commerce Regulation 1312 of 5 August 2001, addressing the obligation for reporting suspicious financial transactions by stockbrokers and insurance companies, as indicated at pages 5 and 6 of the annexed Self-Assessment questionnaire.

Response

Reference has been made in the response to question 1.4 to the Ministry of Commerce circular of 15 Jumada I A.H. 1422 (4 August 2001).

Question 1.7

The CTC notes that Saudi Arabia aims at keeping its domestic provisions in compliance with the FATF forty recommendations, as indicated at pages 4 and 5 of the third report, together with the eight special recommendations on terrorist financing, as indicated at page 9 of the third report. The CTC would therefore welcome receiving a detailed outline of the relevant implementing measures adopted by the national authorities in Saudi Arabia for the implementation of FATF special recommendation VI on alternative remittance systems.

Response

Only banks and licensed money-changing establishments are authorized to offer remittance services. SAMA is the authority responsible for issuing licences and monitoring and supervising the banking sector. The guide issued by SAMA (2003) on the establishment of rules for combating money-laundering operations and the financing of terrorism, referred to in the previous response, the Money-laundering Statute of 2003 and the Bank Supervision Statute of 1966, requires banks and money-changing establishments to report any unlawful transfer operations.

Question 1.8

The CTC notes that the bank monitoring regime in Saudi Arabia considers "hawala" as one of the banking services that only banks are permitted to

provide, as indicated at page 6 of the supplementary report. The CTC, however, would like to know whether there are any alternative financial remittance systems, other than "hawala", carried out outside the banking and/or the financial sector in Saudi Arabia. If the answer to this question is in the affirmative, please indicate which are the relevant mechanisms that are intended to monitor those other systems.

Response

There are no financial remittance systems other than those provided by banks and licensed money-changing establishments.

Question 1.9

The CTC would welcome receiving a progress report on the enactment of the draft money-laundering statute that is intended to implement certain aspects of the resolution. In this regard, the CTC notes that this statute has been considered to be at the final stage by the Kingdom of Saudi Arabia since its third report (as referred to at pages 4 and 6 of the third report). Given the urgency of the need fully to implement the resolution, the CTC considers the passage of such legislation a priority.

Response

The Money-laundering Statute was promulgated by Royal Decree 39 of 18 August 2003.

Question 1.10

With regard to the draft statute against operations connected with the financing of terrorism, referred to on page 6 of the third report, the CTC would like to obtain a further clarification whether this is the same draft law which aims at combating terrorist financing as the one submitted to the appropriate Saudi Arabian authorities which was referred to on page 3 of the annexed Self-Assessment questionnaire. If the answer to this question is in the affirmative, please indicate the time frame envisaged for the enactment of this draft statute. If the question is in the negative, please provide a progress report in relation to the enactment of the draft law on combating terrorist financing referred to at page 3 of the annexed Self-Assessment questionnaire, and, if it has not yet become law, the time frame envisaged for its enactment.

Response

What is referred to on page 6 of the third report as the "draft law against operations connected with the financing of terrorism" is the Money-laundering Statute promulgated by Royal Decree 39 of 25 Jumada II 1424, corresponding to 18 August 2003, article 2 (d) of which provides that anyone who finances terrorism, terrorist acts or terrorist organizations is considered to have committed the crime of money-laundering. The related implementing regulation further provides that the funds involved may be either legal or illegal.

Question 1.11

Regarding the reporting of suspicious transactions to the Financial Intelligence Unit in Saudi Arabia, the CTC would appreciate receiving further clarification on the operation of the reporting machinery. In particular, the CTC would appreciate learning the number of suspicious transactions that have been reported to the Anti-Money Laundering Unit of the Drug Control Department since the beginning of its operations as a financial intelligence and investigation unit in Saudi Arabia. In that regard, the CTC would also welcome receiving further clarification concerning the extent to which the obligation to report suspicious financial transactions, derived from the directives issued by the Saudi Arabian Monetary Agency correspond and/or overlap with those similar obligations outlined in the draft money-laundering statute at page 4 of the third report.

Response

The mechanism for reporting suspicious transactions to the Financial Intelligence Unit is the same mechanism previously in force for reports to the Anti-Money-Laundering Unit of the Drug Control Department. The Unit has received a total of 398 reports. The mechanism is in compliance with the standards established by SAMA for the reporting of suspicious transactions by the financial institutions under its supervision and also with the standards contained in the Money-laundering Statute.

Question 1.12

The CTC would, in addition, welcome receiving a further clarification on whether the present financial intelligence and investigation unit is the unit that Saudi Arabia has previously agreed to establish pursuant to its commitments as a member of the Group of Twenty, as indicated at page 4 of the first report.

Response

The present Financial Investigation Unit is the unit that the Kingdom agreed to establish by virtue of its obligations as a member of the Group of Twenty.

Question 1.13

The CTC notes Saudi Arabia's response concerning the freezing of funds in compliance with Security Council resolution 1267 (1999), as indicated at pages 4 and 5 of the first report, as well as at page 5 of the third report. In this regard, the first report explains that the Saudi Arabian Monetary Agency (SAMA) "is authorized to implement decisions taken by the competent authorities of the Kingdom to freeze the bank accounts of persons or entities linked to terrorism in accordance with the relevant domestic procedures". Please outline in detail the "relevant domestic procedures" referred to above.

Response

The question was answered on page 5 of the report submitted by the Kingdom to the Security Council Committee established pursuant to resolution 1373 (2001), contained in document S/2001/1294 dated 27 December 2001. The procedure is that

SAMA circulates the names of individuals and entities connected with terrorism to all local banks in order for them to ascertain whether they have had any financial dealings with such individuals and entities. In the event that any such dealings exist, the competent authorities are notified in order that they may take the necessary action.

Question 1.14

The CTC would also appreciate receiving the relevant domestic provisions in relation to the freezing of funds and bank accounts of persons or entities pursuant to a request submitted by another State. In this regard, the CTC is interested in receiving a detailed outline of the provisions that govern the actions of the investigative authorities, as well as those provisions concerned with the provisional seizure of funds and accounts during the investigation, as indicated at page 7 of the third report. Furthermore, the CTC would welcome receiving a further explanation regarding the work of the standing committee, referred to at page 8 of the third report in relation to its assigned task of considering requests from States. The CTC is particularly interested in the standing committee's role to "consider the freezing of assets and accounts linked to terrorism and to transmit its decisions to SAMA for any necessary statutory measures to be taken", as explained at page 5 of the first report.

Response

Article 13 of the Money-laundering Statute provides that the judicial authority shall, based on a request by a court or judicial authority in another country bound to the Kingdom by a currently valid convention or treaty or having with it an agreement on reciprocity, order precautionary measures regarding funds, proceeds or means connected with the crime of money-laundering, inasmuch as the financing of terrorism is deemed a money-laundering offence according to article 2 (d) of the said Statute. Consequently, any request by a State is examined in accordance with the provisions of the aforementioned article 13.

The statutory provisions governing the procedures of the investigative authorities and the provisions concerning the provisional blocking of funds and accounts during periods of investigation are those stipulated in article 12 of the Money-laundering Statute, which read as follows: "the Financial Investigation Unit, upon ascertaining the existence of a suspicion, may request the authority competent for the investigation to effect a provisional seizure of funds and, if need be, to order the extension of the period of seizure, based on an order of the competent court". One of the tasks of the Standing Committee on Counter-Terrorism is to receive and consider requests coming to the Kingdom from States and international organizations in connection with counter-terrorism and to submit them to the higher committee on counter-terrorism for approval and further submission to the higher authorities, in order for them to take the necessary statutory steps with regard to the requests.

As to funds and financial accounts referred to in United Nations resolutions or the lists issued by the Security Council, freezing operations are carried out immediately upon their receipt by the competent authorities via the official channels.

Question 1.15

With regard to the charitable associations in Saudi Arabia, please provide a detailed outline of the relevant provisions under the Ministry of Labour and Social Affairs which aim at supervising the work of the said associations. In particular, the CTC is interested in obtaining a detailed outline of the provisions of the Charitable Institutions and Associations Ordinance promulgated by the Council of Ministers resolution 107 of 1990, as well as the related implementing rules promulgated by decision No. 760 of 1991 of the Minister of Labour and Social Affairs, as indicated at page 10 of the third report.

Response

Enclosed herewith is the Charitable Institutions and Associations Ordinance together with the related implementing rules (attachment 3).

Question 1.16

The CTC notes that in Saudi Arabia it is prohibited for charitable associations to provide assistance outside Saudi Arabia or to cooperate with any charitable organization outside Saudi Arabia, as indicated at page 10 of the third report. However, at page 11 of the same report, Saudi Arabia indicates that all charitable organizations and associations that offer their services outside Saudi Arabia will be placed under the Saudi Higher Authority for Relief and Charity Work that is to be established for such purpose. This indication suggests that there have been charitable associations offering their services outside Saudi Arabia. Therefore, the CTC would welcome receiving a further clarification in this regard, as well as a detailed outline of any provisions that govern the services those associations offered outside Saudi Arabia prior to the planned establishment of the aforementioned Saudi Higher Authority for Relief and Charity Work.

Response

The reference, on page 10 of the third report, to the fact that the Kingdom of Saudi Arabia prohibits such associations from providing assistance or cocperating with any charitable organization outside the Kingdom relates to charitable entities operating domestically, which are known as associations (*jam'iyyat*). On the other hand, the statement on page 11 of the same report to the effect that all Saudi charitable organizations and institutions that offer their services outside the Kingdom will be placed under the supervision of the Saudi National Authority for Relief and Charity Work, once created, refers to charitable entities operating abroad, which are known as "institutions" (*mu'assassat*) and "organizations" (*hay'at*).

Question 1.17

The CTC would also welcome receiving a progress report in relation to the establishment of the Saudi Higher Authority for Relief and Charity Work, as well as a detailed outline of the provisions that it will apply to regulate the activities of charitable organizations and associations in Saudi Arabia in relation to their services offered outside Saudi Arabia. Furthermore, the CTC would welcome receiving an organizational chart of the Saudi Higher Authority

for Relief and Charity Work indicating its composition, the competent ministries involved and the mandate and jurisdiction of each of those ministries in relation to the functioning of the Saudi Higher Authority for Relief and Charity Work. The CTC would also welcome receiving details of any regulations that apply to the operational branches in Saudi Arabia of international institutions carrying forward charitable work.

Response

The establishment of the Saudi national authority for relief and charity work abroad was approved on 6 Muharram A.H. 1425, corresponding to 26 February A.D. 2004. Work is currently in progress towards establishing the authority's organizational structure.

Question 1.18

With regard to the 1981 Arms and Ammunition Statute and its implementing regulation, please provide the CTC with a detailed outline of the relevant provisions that aim at imposing restrictions on the manufacture, importation, sale and possession, circulation and acquisition of weapons in Saudi Arabia, as indicated at page 6 of the supplementary report.

Response

The relevant provisions aimed at imposing restrictions on the manufacture, importation, sale, acquisition, circulation and possession of weapons in Saudi Arabia under the 1981 Arms and Ammunition Statute and its implementing regulation are the following:

- Article 2, which provides: "The manufacture, importation, sale, possession, circulation, acquisition and repair of military weapons or related equipment or spare parts are prohibited for anyone other than the competent governmental authorities";
- Article 22, which provides penalties of imprisonment for 5 to 30 years and fines of not less than 100,000 Saudi riyals for the manufacture, collection, sale, purchase or possession of military or personal weapons, parts thereof or related ammunition.

Question 1.19

The CTC would welcome receiving the report and recommendations adopted by the expert group of the League of Arab States in response to their examination of the resolution, as referred to at page 7 of the supplementary report.

Response

Upon a request by the Chairman of the Counter-Terrorism Committee, the General Secretariat of the League of Arab States, represented by the Office of the Permanent Observer for the League of Arab States to the United Nations, transmitted a brief report on the activity of the League in the field of counter-terrorism. Kindly consult that report, contained in United Nations documents

S/AC.40/2003/SM.1/2 and A/57/183, or apply to the General Secretariat of the League of Arab States in order to obtain a copy of the report.

Question 1.20

With regard to the procedures for the issuance of passports to aliens explained at page 8 of the supplementary report, the CTC notes that Saudi Arabia may grant a passport to a person who does not have Saudi nationality in order to facilitate his/her overseas travel and subsequent re-entry to Saudi Arabia. The CTC would be grateful to receive a detailed clarification regarding the provisions, functions and purposes of such procedures and the relevant domestic provisions that govern this matter. In particular, the CTC would like to know whether such an alien is expected to have his/her own foreign passport as suggested under points 2 and 4 of the conditions for granting the Saudi passport, as indicated at page 8 of the supplementary report.

Response

Under the Travel Documents Statute, promulgated by Royal Decree 24 of 28 Jumada I A.H. 1421, Saudi passports are issued basically to Saudi nationals on the basis of their civil registry number. They are issued, under article 2, to aliens resident in the Kingdom only exceptionally, by virtue of a special order of the Minister of the Interior, on humanitarian grounds such as the situation of refugees in need of treatment outside the Kingdom, subject to the following conditions:

- The alien resident's status must be normal;
- The information to be recorded in the Saudi passport must match that of the alien's passport (if one exists) and must be in accord with the documents and information available concerning him; his foreign passport is kept and subsequently returned to him in the event that he returns the Saudi passport;
- The passport is valid for a single trip or for a period of one year for multiple trips;
- Each application for the issuance of a Saudi passport is examined individually, and exceptionally by the Minister of the Interior;
- The passport is not renewable outside the Kingdom.

It must be pointed out here that the granting of a Saudi passport to an alien national does not connote enjoyment of the rights of a Saudi national, acceptance of the passport as proof of nationality within the Kingdom or its validity for any other purpose.

Question 1.21

The CTC wishes to thank Saudi Arabia for providing a list of bilateral and multilateral agreements on cooperation with other States. The CTC would also welcome receiving any other similar bilateral and/or multilateral agreements concluded, or envisaged to be concluded, with States other than those in the same region.

Response

The Kingdom has signed and acceded to a number of multilateral conventions relating to counter-terrorism, including the following:

- The 1999 Convention of the Organization of the Islamic Conference on Combating International Terrorism;
- The 1998 Arab Convention for the Suppression of Terrorism;
- The 2004 anti-terrorism agreement of the States of the Gulf Cooperation Council.

Bilateral agreements with States other than those in the region include memoranda of understanding on combating terrorism, drug traffic and other activities of organized crime, concluded with the United Kingdom of Great Britain and Northern Ireland and the Italian Republic, and a bilateral agreement with the Islamic Republic of Iran.

In addition, bilateral agreements with nine countries of the region on security in general have been ratified.

Question 1.22

The CTC notes that Saudi Arabia applies the principle of reciprocity with regard to requests for extradition as indicated at page 10 of the supplementary report. The CTC also notes that Saudi Arabia has signed memoranda of understanding with several countries, as indicated at page 12 of the third report. In the absence of bilateral and multilateral agreements on cooperation, as well as in the absence of a specific memorandum of understanding, is there a special law in force in Saudi Arabia concerning mutual assistance in criminal matters, including extradition, transfer of proceedings, validity of foreign judgements and transfer of sentenced persons? If the answer to this question is in the affirmative, please provide a detailed outline of its provisions. If the answer is in the negative, please indicate whether it is Saudi Arabia's intention to enact such a law?

Response

With regard to mutual legal assistance in criminal matters, a royal order has been ordered to the effect that approval of requests for legal assistance submitted by States with which the Kingdom has no agreement governing such matters shall be subject to the provisions of the statutes and directives in force in the Kingdom and the demonstration by the requesting State that its laws permit the provision of such assistance when requested and that it will be bound by reciprocity and the requirement to provide assistance in case of need.

Furthermore, Saudi Arabia has striven to implement article 7 of the 1988 United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances by creating a standing committee whose mandate is to consider mutual assistance requests received by the Kingdom from other countries in any judicial proceeding, investigation, prosecution or trial related to any offence provided for in the Convention.

Question 1.23

Please indicate to the Committee whether Saudi Arabia applies the principle aut dedere aut judicare in relation to terrorist offences. Also, in those cases when extradition of a person is refused by Saudi Arabia, what are the legal procedures available to ensure that Saudi Arabian judicial authorities will prosecute such a person?

Response

Saudi Arabia is bound by the principle aut dedere aut judicare in relation to all offences, including terrorist offences, with respect to all States to which it is bound by bilateral or multilateral agreements or an agreement on reciprocity. In the event of refusal to extradite, the Kingdom brings charges against the perpetrator of a terrorist-related offence to which a custodial penalty of not less than one year or a severer penalty is applicable in each of the two States. The nationality of a person whose extradition is requested is determined as of the date of commission of the offence for which the extradition is requested. Use is made in such cases of the inquiries, files, documents and information submitted by the requesting State.

Question 1.24

Additionally, the CTC is interested in receiving more information regarding early warning measures in place, other than notifications transmitted through the embassies, that are indicated at page 11 of the third report.

Response

In the event that the competent authorities in Saudi Arabia obtain information relating to a threat to the security of the State, its citizens or its interests, such information is transmitted through the country liaison officers connected with the authorities concerned in the Kingdom. In the absence of any agreements or treaties on information exchange, the relevant exchange of information and views takes place between the authorities concerned in the Kingdom of Saudi Arabia and their counterparts in the countries in question via the liaison channels, in addition to notifications transmitted by embassies in the manner referred to on page 11 of the Kingdom's third report.

Question 1.25

The CTC would welcome receiving a progress report regarding accession to the five remaining international instruments on the suppression of terrorism to which Saudi Arabia is not as yet a party.

In this context, the CTC wishes to remind Saudi Arabia, in relation to its reference to the Arab Convention on the Suppression of Terrorism and the Convention of the Organization of the Islamic Conference on Combating International Terrorism, that joining regional terrorism conventions cannot be viewed as an alternative to becoming a party to and implementing in domestic law all the international conventions and protocols related to terrorism. In this regard, the CTC recalls subparagraph 3 (d) of the resolution that calls upon all States "to become parties as soon as possible to the relevant international conventions and protocols relating to terrorism, including the International Convention for the Suppression of the Financing of Terrorism of 9 December 1999".

To this end, the CTC would appreciate receiving an update on the conventions to which Saudi Arabia intends to become party in order to bring it into compliance with the resolution. The CTC is particularly interested in receiving an update on Saudi Arabia efforts to become party to the terrorist bombing and terrorist financing conventions.

Response

The Kingdom has acceded to 7 of the 12 conventions on counter-terrorism and has recently ratified the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents (New York, 1973). At present, a specialized committee made up of a number of concerned authorities is studying the remaining conventions.

Question 1.26

Could Saudi Arabia also provide the CTC with the criteria applicable in its domestic law for determining what constitutes a political offence? Are any of the offences referred to in subparagraph 2 (c) of the resolution or in the international conventions and protocols related to the prevention and suppression of international terrorism considered to constitute "political offences" under the domestic law of Saudi Arabia? If such were not the case, the CTC would appreciate receiving a detailed outline of the relevant domestic provisions.

Response

The standards applicable for determining what constitutes political offences constitute a matter that is subject to the discretion of the State. In any event, the Kingdom does not consider offences connected with terrorism as having a political nature even if their motive is political. Nor are the offences referred to in paragraph 2 (c) of the resolution or in the international conventions and protocols on the prevention and suppression of international terrorism considered as political offences in Saudi Arabia, which views them as terrorist offences even if they are politically motivated.

Question 1.27

The CTC would like to thank Saudi Arabia for annexing its FATF questionnaire. In this regard, the CTC would like to emphasize once again that it would appreciate receiving a copy of any further reports or questionnaires submitted to other organizations involved in monitoring international standards as part of Saudi Arabia's response to the points in the preceding paragraphs as well as details of any efforts to implement international best practices, codes and standards which are relevant to the implementation of the resolution.

Response

The Kingdom requests the Committee to refer to the Kingdom's earlier reports, submitted pursuant to the relevant Security Council resolutions on counter-terrorism, in addition to what is set forth in the present report.